

Environmental Protection Agency

§ 52.1578

New Jersey portions of the New Jersey-New York-Connecticut Region.

[37 FR 10880, May 31, 1972, as amended at 39 FR 16347, May 8, 1974; 51 FR 40677, Nov. 7, 1986]

§ 52.1577 Compliance schedules.

(a) [Reserved]

(b) The requirements of § 51.261 of this chapter are not met since Chapter 7, section 7.1(c) of New Jersey's "Air Pollution Control Code" permits certain sources to defer compliance with Chapter 7 until after the required date for attainment of the national standards for particulate matter.

(c) The requirements of § 51.262(a) of this chapter are not met since Chapter 7 of New Jersey's "Air Pollution Control Code" does not provide for periodic increments of progress toward compliance for those sources with compliance schedules extending over a period of 18 or more months.

(d) *Regulation for increments of progress.* (1) Except as provided in paragraph (d)(2) of this section, the owner or operator of any stationary source in the State of New Jersey to which an exception extending beyond January 31, 1974, is applicable under Chapter 7, section 7.1(c) of the New Jersey Air Pollution Control Code shall, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval, a proposed compliance schedule that demonstrates compliance with the emission limitations prescribed by Chapter 7 of the New Jersey Air Pollution Control Code as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for periodic increments of progress towards compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process change; completion of onsite construction or installation of

emission control equipment or process modification; and final compliance.

(2) Where any such owner or operator demonstrates to the satisfaction of the Administrator that compliance with the applicable regulations will be achieved on or before January 31, 1974, no compliance schedule shall be required.

(3) Any owner or operator required to submit a compliance schedule pursuant to this paragraph shall within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(4) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

[37 FR 10880, May 31, 1972, as amended at 37 FR 23090, Oct. 28, 1972; 38 FR 12713, May 14, 1973; 40 FR 30962, July 24, 1975; 51 FR 40676, 40677, Nov. 7, 1986; 54 FR 25258, June 14, 1989]

§ 52.1578 Review of new sources and modifications.

(a) Subchapter 18 of the New Jersey Administrative Code, entitled, "Control and Prohibitions of Air Pollution from Ambient Air Quality in Non-attainment Areas (Emission Offset Rule)," N.J.A.C. 7:27-18.1 *et seq.*, as submitted to EPA on August 5, 1980 by the New Jersey Department of Environmental Protection, is approved for the entire State of New Jersey, with the following provisions:

(1) The definition of "significant emission increase" as it appears in section 7:27-18.1, entitled, "Definitions," is disapproved. The following definition of "significant emission increase" is applicable: "An increase, since December 21, 1976, in the rate of allowable emissions, including fugitive pollutant emissions, at a facility of any criteria pollutant greater than or equal to 50 tons per year, 1,000 pounds per day, or 100 pounds per hour, not including decreases in the rates of allowable emissions except where such decreases are contemporaneous with emission increases. The increase in the rates of allowable emissions shall be the cumulative total of increases from all new or altered equipment for which permits

have been issued on or after December 21, 1976 and for which permit applications have been received by the Department, and the fugitive emissions associated with that equipment. The hourly and daily rates shall apply only with respect to a pollutant for which a national ambient air quality standard for a period not exceeding 24 hours has been established.

(2) Subsection (e)(1) under section 7:27-18.2, entitled, "General Provisions," is disapproved and replaced with the following: "The requirements of paragraphs (c)(3), (c)(4), and (c)(5) of this section shall again become applicable when proposed new construction or alterations at the facility would cause the increase in the rate of allowable emissions of that criteria pollutant to again exceed 50 tons per year, 1,000 pounds per day, or 100 pounds per hour whichever is most restrictive. The accumulation of increases in the rate of allowable emissions shall resume from zero after each application of paragraphs (c)(3) and (c)(4) of this section."

[39 FR 7282, Feb. 25, 1974, as amended at 46 FR 21996, Apr. 15, 1981; 51 FR 40677, Nov. 7, 1986; 60 FR 33923, June 29, 1995]

§ 52.1579 Intergovernmental cooperation.

(a) The requirements of subpart M of this chapter are not met since the plan does not adequately describe the responsibilities of local agencies.

[37 FR 10880, May 31, 1972, as amended at 51 FR 40677, Nov. 7, 1986]

§§ 52.1580–52.1581 [Reserved]

§ 52.1582 Control strategy and regulations: Ozone (volatile organic substances) and carbon monoxide.

(a) Subchapter 16 of the New Jersey Administrative Code, entitled "Control and Prohibition of Air Pollution by Volatile Organic Substances," N.J.A.C. 7:27-16.1 et seq. as revised on December 31, 1981 and effective March 1, 1982, is approved with the following provisions and conditions:

(1) Subsections 16.6(c)(4) and 16.6(c)(5) are approved. The State must comply with the public participation procedures it submitted to EPA on December 19, 1980 and must supply to EPA a

copy of each notice of a proposed bubble that it supplies the public. In addition, the State must promptly transmit to EPA notice setting forth each set of emission limits approved by the state pursuant to subsections 16.6(c)(4) and 16.6(c)(5) as well as the emission limitations previously applicable. Finally, the State must transmit any relevant additional material EPA may request, and it must notify the public of an approved set of emission limits at the time it transmits notice of those limits to EPA.

(2) Emission limitations required by subsections 16.5(a), 16.6(a) and 16.6(b) are applicable requirements of the New Jersey SIP for the purposes of section 113 of the Clean Air Act and shall be enforceable by EPA and by citizens in the same manner as other requirements of the SIP; except that emission limitations adopted by the State under and which comply with subsections 16.6(c)(4) and (5) shall be the applicable requirements of the New Jersey SIP in lieu of those contained in subsections 16.5(a), 16.6(a) and 16.6(b) and shall be enforceable by EPA and by citizens, if the State meets the requirements set out in paragraph (d)(1) of this section.

(3) Although EPA approves the variance provisions in subchapter 7:27-16.9 and 7:27-16.10, in order to be considered as part of the SIP, each variance issued under these provisions must be submitted to and approved by EPA as a SIP revision.

(4) The December 17, 1979 version of Subchapter 16 is approved as a part of the SIP only to the extent that it addresses compliance dates for Group I Control Techniques Guideline source categories.

(b) Subchapter 17 of the New Jersey Administrative Code, entitled "Control and Prohibition of Air Pollution by Toxic Substances," N.J.A.C. 7:27-17.1 et seq. as revised on October 17, 1979 and effective December 17, 1979, is approved for the regulation of perchloroethylene dry cleaners, as further clarified in a New Jersey Department of Environmental Protection memorandum "Subchapter 17 Requirements for Perchloroethylene Dry Cleaning Systems" dated October 25, 1982.